

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-29, dt.31.01.2020 – Appeal filed by Jadhav Pooja D/o Vasanth Rao R/o Wadoni (Village) of Utnoor Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.38

Date: 05.12.2020

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No.C3/2596/2019-29, dated 31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Jadhav Pooja D/o Vasanth Rao, R/o Wadoni (Village) of Utnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.D5/309/2018, dated:30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.305/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District in her Procs.Rc.No.C3/2596/2019-29, dated 31.01.2020, has issued orders declaring that Jadhav Pooja D/o Vasanth Rao R/o Wadoni (vg) of Utnoor Mandal of Adilabad District is not a Local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee headed by PO ITDA Utnoor as Chairman.

- Appellant appeared before the Scrutiny Committee on 30.11.2019 and 02.12.2019. The following documents were submitted:
 - 1354 Fasli of Wadoni village (1944 year).
 - 1954-55 Khasra pahani of Chanduri village.
 - Pahni of 1955-56 to 1957 to 58 of Wadoni village.
 - Pahani extracts of Chanduri village for the years 1964-65, 1977-78, 1978-79, 1980-81, 1989-90, 1984-85, 1987-88, 1996-97, 1997-98, 1999-2000, 2002-03, 2003-4 and 2011-12.
 - Gram Panchayat copy receipt.
 - Voter lists of 1971, 1977 and 1993 years.

(Contd....2)

::2::

- The Scrutiny Committee conducted final hearing on 24.12.2019 and concluded with the following findings:
 - On verification of land documents and family tree submitted by the applicant:
 - As per 1354 Fasli (1944 year), old Sy.No.29 extent: Acs.04.00 gts of Wadoni village was recorded in the name of Mangtya S/o not mentioned.
 - As per Khasra pahani 1954-55 of Chanduri village, old Sy.No.9 extent Acs.10.00 gts was recorded in the name of Mangtya S/o not mentioned (great grandfather's brother).
 - As per pahani 1978-79 of Chanduri village, new Sy.No.31 extent Acs.10.00 was recorded in the name of Uttam S/o Mangtya but the applicant grandfather name is Tarachand.
 - As per pahani 2011-12 in Sy.No.31 extent Acs.8.15 gts is recorded in the name of Uttam S/o Mangtya.
 - The applicant has failed to prove the relationship between Uttam S/o Mangtya and grandfather Tarachand S/o Dhuppa which is not established & objectionable.
 - Moreover the land records are pertaining to two different villages Wadoni & Chanduri and the applicant has failed to prove how the lands are inherited to their family.
 - As per unattested copy of voter list submitted by the applicant pertaining to 1971 at Sl.No.41, H.No.1-26/A – Tarachand S/o Dhuppa and at Sl.No.9 – Mangtya S/o Ramji are only available. Names of applicant's grandfather is available, but the relationship between grandfather Tarachand and landholder Uttam S/o Mangtya is not established.
 - Thus the applicant has failed to establish the relationship among the family tree by way of evidences.
 - In view of the above, the forefathers/family members of the applicant are not residing continuously in the Agency Scheduled Area since 1950 or before.
 - Show Cause Notice was issued to Jadhav Pooja D/o Vasanth Rao R/o Wadoni (vg) of Utnoor Mandal of Adilabad District to attend before the Dist. Collector, Adilabad on 30.01.2020.
 - Accordingly, Kum.Jadhav Pooja attended before the Dist. Collector on 30.01.2020 and submitted reply but clear migration of Duppa's family (landholder) is not established as to from when they came to agency area.
 - The applicant has failed to prove the relationship between Uttam S/o Mangtya and claimed as grandfather Tarachand S/o Dhuppa which is not established & objectionable and has failed to prove that the forefathers/family members of the claimant are not residing continuously in the Agency Scheduled Area since 1950 or before.

(Contd....3)

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Jadhav Pooja D/o Jadhav Vasanthrao R/o Vadoni, of Utnoor Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018. The contentions of Jadhav Pooja D/o Vasanth Rao and the documents submitted along with the Appeal and also during the hearing on 05.09.2020 are as follows:

- The Tahsildar, Utnoor has issued the LST (Local Schedule Tribe) Certificate vide No.E/473/2014, dated 20.11.2014 as per GO Ms.No.3 after verifying the link document and local elders' statement by the revenue officials.
- In 1354 Fasli (1944 year) of Wadoni village, old Survey No.29, name of her great grandfather's brother mentioned as Mangtya without father's name.
- In pahanies from 1954-55 to 1977-78, also her great grandfather's brother mentioned as Mangtya without father's name – due to death of Dhuppa S/o Ramji prior to 1950, the land owned by elder brother Mangtya S/o Ramji (which is not mentioned in revenue record as father name of Mangthya).
- As per pahani 1978-79 of Chanduri village, Sy.No.31 (new) extent acs.10.00 is recorded in the name of Uttam S/o Mangthya (grandfather's brother) due to her grandfather's disability, he could not be able to possess the land – the disability identity card of Tarachand S/o Duppa is enclosed herewith as proof.
- Jadhav Mangthya S/o Ramji had two sons – 1) Jadhav Jemla and 2) Jadhav Utham and younger son of Ramji namely Jadhav Dhuppa had only one son namely Jadhav Tarachand. In the year 1995 Jadhav Ramji's grandson's son namely Jadhav Vasanthrao's marriage invitation card producing herewith for showing above three are brothers.
- Land in Sy.No.29 (old) extent Acs.4.00 gts of Wadoni was cultivating by her grandfather's brother Mangthya recorded as cultivator and Sy.No.9 (old), Sy.No.31 (new) extent Acs.10.00 gts situated at Chanduri was cultivating by them till to date. Lands at Wadoni and Chandru both are boundary place situated at Chanduri and Wadoni at one place but falling in two revenue villages. Her grandmother Jadhav Sakkubai W/o Tarachand recorded as pattedar from 2011-12 to till date.
- In 1971 year 237 Boath Constituency Part No.181, Sl.No.41, H.No.1-26/A her grandfather Tarachand S/o Dhuppya name recorded and great father name Mangthya S/o Ramjee name recorded in 1971 PartNo.181 at Sl.No.81, H.No.1-53 is shown in order, objection No.2 shown as Sl.No.9 is not correct.
- Statement of Sri Kamble Trappa S/o Bheeva, SC caste: aged 78 years occupation: Agricultre R/o Wadoni, Utnoor Mandal, Adilabad District has deposed that Sri Tarachand S/o Dhuppa S/o Ramji and Utham S/o Mangthya S/o Ramji are brothers and residing before 1940 in the village and doing agriculture. The statement of Sri Kamble Trappa S/o Bheeva recorded and duly attested and already produced it for evidence.

- Xerox copies of above document and village elder's statement already submitted to the DLSC.
- Concerned papers pertaining to this case are submitted herewith that Kum Jadhav Pooja D/o Jadhav Vasanthrao is the eligible local ST as per Certificate issued by Tahsildar, Uttoor bearing No.E/1854/2015, dated 24.11.2015 which is genuine.

4. Therefore, the appellant Jadhav Pooja D/o Jadhav Vasanthrao prayed the Government to consider her request.

Documents submitted along with the Appeal and also during the hearing on 5.9.2020:

- Family Tree duly notarized - Jadhav Ramjee is great great grandfather of appellant Kumari Jadhav Pooja. He has two sons viz., 1) Jadhav Mangtiya (elder son of Ramjee and 2) Jadhav Dhuppa (younger son of Ramjee and great grandfather of appellant). First son of Ramjee i.e. great great grandfather of appellant, namely Jadhav Mangtiya has two sons 1) Jadhav Jemla and 2) Jadhav Utham. Second son of Ramjee i.e. great grandfather of appellant namely Jadhav Dhuppa has one son namely Jadhav Tarachand (grandfather of appellant). Jadhav Tarachand has only one son namely Jadhav Vasanthrao i.e. father of appellant. Father of appellant Jadhav Vasanthrao has four children viz., 1) Jadhav Pooja (daughter and appellant herein) 2) Jadhav Pradeep (son) 3) Jadhav Chaitanya (daughter) and 4) Jadhav Krishna Tilak (son).
- Namuna No.4 – Takha Choufasli Jamabandhi – village: Chanduri, Taluka: Uttoor, Dist: Adilabad, year: 1954 A.D. – shows name of Mangtiya Lambada (elder brother of great grandfather of appellant namely Jadhav Dhuppa) in Sy.No.9 Poramboke – extent Acs.10.00.
- 1954-55 Khasra pahani of Chanduri village – shows Sy.No.9 as Govt. Poramboke land for a total extent of acs.748.5 gts. – shows name of Mangtiya Lambada (elder brother of great grandfather of appellant namely Jadhav Dhuppa) for an extent of Acs.10.00 gts.
- Pahani 1964-65 – Chanduri village – Uttoor Mandal – shows name of Mangtiya (elder brother of great grandfather of appellant namely Jadhav Dhuppa) for an extent of Acs.10.00 gts.
- Pahani 1977-78 – Chandur village – Uttoor Mandal – show names of Jemla and Utham sons of Mangtiya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of acs.10.00 each.
- Pahani 1978-79 – Chandur village – Uttoor Mandal – show names of Jemla and Utham sons of Mangtiya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of acs.10.00 each in Sy.No.31/69 and 31/70.
- Pahani 1980-81 – Chandur village – Uttoor Mandal – show names of Jemla and Utham sons of Mangtiya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.10.00 each in Sy.No.31/69 and 31/70.

::5::

- Pahani 1984-85 – Chandur village – Utnoor Mandal – show names of Utham and Jemla sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.9.23 and 7.37 Acres in Sy.Nos.31/2 and Sy.No.31/3 respectively.
- Pahani 1987-88 – Chandur village – Utnoor Mandal – show names of Utham and Jemla sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.9.23 and 7.37 Acres in Sy.Nos.31/2 and Sy.No.31/3 respectively.
- Pahani 1989-90 – Chandur village – Utnoor Mandal – show names of Utham and Jemla sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.9.23 and 7.37 Acres in Sy.Nos.31/2 and Sy.No.31/3 respectively.
- Pahani 1996-97 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.0.15 in Sy.No.31/4-2 and Sy.No.31/6A for an extent of Acs.8.15 (Jemla) and Sy.No.31/6A for an extent of Acs.8.15 (Utham) respectively.
- Pahani 1997-98 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.0.15 in Sy.No.31/4-2 and Sy.No.31/6A for an extent of Acs.8.15 (Jemla) and Sy.No.31/6A for an extent of Acs.8.15 (Utham) respectively.
- Pahani 1999-2000 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.0.15 in Sy.No.31/4-2 and Sy.No.31/6A for an extent of Acs.8.15 (Jemla) and Sy.No.31/6B for an extent of Acs.8.15 (Utham) respectively.
- Pahani 2002-03 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.0.15 in Sy.No.31/4-2 and Sy.No.31/6A for an extent of Acs.8.15 (Jemla) and Sy.No.31/6B for an extent of Acs.8.15 (Utham) respectively.
- Pahani 2003-04 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.0.15 in Sy.No.31/42 and Sy.No.31/6A for an extent of Acs.8.15 (Jemla) and Sy.No.31/6B for an extent of Acs.8.15 (Utham) respectively.
- Pahani 2011-12 – Chandur village – Utnoor Mandal – show names of Jemla and Utham sons of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa, for an extent of Acs.8.15 in Sy.No.31/6A (Jemla) and Sy.No.31/6B for an extent of Acs.8.15 (Utham) respectively.
- PPB No.57117 – Khata No.23 – Chandur village – Utnoor Mandal – issued by MRO Utnoor to Sri Jadhav Jemla S/o Mangitya R/o Vadoni (son of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa) showing a total extent of Acs.14.19 gts in Sy.No.13/2 (2.38), 13/5 (0.37), 14/3 (1.34), 31/4/2 (0.15) and 31/6A (8.15).

(Contd....6)

- PPB No.636094 – Khata No.30 – Chandur village – Utnoor Mandal – issued by Tahsildar, Utnoor – to Sri Jadhav Utham S/o Mangitya R/o Vadoni (son of Mangitya i.e. elder brother of great grandfather of appellant Jadhav Dhuppa) showing a total extent of Acs.10.09 gts in Sy.No.14/4 (1.34 acres) and 31/6A (Acs.8.15).
- PPB No.T131800050017 – Mandal: Utnoor – village: Chandur – issued by Tahsildar, Utnoor – in favour of Smt.Jadhav Sakkubai W/o Tarachand (i.e. grandmother of appellant) for an extent of 5.00 Acres in Sy.No.31/1/A assigned land inherited to her.
- Copy of 1-B (ROR) issued by Tahsildar, Utnoor – in favour of Jadhav Sakkubai W/o Tarachand (grandmother of appellant) showing an extent of 5.00 Acres in Sy.No.31/1/A in Chandur village (inherited).
- Copy of pahani for the year 2019 – Chandur village – Utnoor Mandal – Sy.No.31/1/A showing name of Jadhav Sakkubai W/o Tarachand (grandmother of appellant) for an extent of Acs.5.00 (inherited).
- Voter list for the year 1971 – village: Wadoni – Firka: Utnoor - Utnoor Taluq – Dist. Adilabad – Part No.181 – Block No.1-3 – show names of 1) Tarachand S/o Dhupya (grandfather of appellant) at Sl.No.41, 2) Sakkubai W/o Tarachand (grandmother of appellant) at Sl.No.42 under H.No.1-26/A; 1) Mangitya S/o Ramjee (brother of great grandfather of appellant Jadhav Dhuppa) at Sl.No.91, 2) Bhulabai W/o Mangitya at Sl.No.92, 3) Jemula S/o Mangitya (son of elder brother of great grandfather Dhuppa) at Sl.No.93 and Sarubai W/o Jemla at Sl.No.94 under H.No.1-53.
- Voter list for the year 1977 – village: Wadoni – Firka: Utnoor – Tauq: Utnoor – Dist. Adilabad – Part No.110 – Block No.1,2 – show names of 1)Tarachand S/o Dhupya (grandfather of appellant) at Sl.No.90, 2) Sakkubai W/o Tarachand (grandmother of appellant) at Sl.No.91 under H.No.1-26/A; 1) Mangitya S/o Ramjee (brother of great grandfather of appellant Jadhav Dhuppa) at Sl.No.88, 2) Bhulibai W/o Mangitya at Sl.No.89, 3) Jemla S/o Mangitya (brother of great grandfather of appellant Jadhav Dhuppa) at Sl.No.90 and 4) Sarubai W/o Jemla at Sl.No.91 under H.No.1-53.
- Voter list for the year 1993 – Polling Station No.7 - Locality: Wadoni – Mandal: Utnoor – Dist. Adilabad –show names of 1) Jadhav Tarachand S/o Dhuppa (grandfather of appellant) at Sl.No.152, 2) Jadhav Sakkubai W/o Tarachand (grandmother of appellant) at Sl.No.153, 3) Jadhav Vasanthrao S/o Tarachand (father of appellant) and Jadhav Sumithrabai W/o Tarachand (mother of appellant) under H.No.1-45.
- Copy of Affidavit duly notarized submitted before the Tahsildar, Utnoor, deponent: Jadhav Vasanth Rao (i.e. father of appellant) deposed that himself, his ancestors Jadhav Mangthiya S/o Ramji , brother of elder brother of his grandfather and his father Jadhav Dhuppa S/o Ramjee residing at Vadoni village of Utnoor Mandal since 1950 till date and elder brother of his grandfather (i.e. Jadhav Mangitya) was pattedar and owner of agriculture land in Sy.No.PP 28 situated at Vadoni village of shivar Utnoor Mandal.

::7::

- Household card bearing No.YAP192600900273 issued by MRO Utnoor to Smt.Jadhav Sakkubai W/o Tarachand (grandmother of appellant) shows resident of Wadoni village in Utnoor Mandal (date of issue was 01.08.2006).

- Household card bearing No.WAP192600900483 issued by MRO Utnoor to Smt.Jadhav Renukabai W/o Uttam (Uttam is son of Mangitya i.e. son of elder brother of great grandfather of appellant Jadhav Dhuppa) shows resident of Wadoni village in Utnoor Mandal (date of issue was 01.08.2006).

- Copy of Telangana Food Security Card No.01260090040500 issued by Tahsildar, Utnoor on 02.01.2015 to Smt.Jadhav Sakkubai W/o Tarachand (grandmother) of appellant, aged 70 years – showing resident of Wadoni village.

- GP and PESA Gram Sabha Resolution by Sarpanch of GP Naddamguda, Mandal: Utnoor and Vice-President of PESA Gram Committee, GP Naddamguda, Mandal: Utnoor – dt. 17.7.2020 – wherein it was unanimously stated that Sri Jadhav Ramjee (great great grandfather of appellant) lived in Wadoni village from before 1940. Sri Jadhav Ramjee has two sons viz., 1) Jadhav Mangitya and 2) Jadhav Dhuppa. First son i.e. Jadhav Mangitya was recorded from the year 1948 while second brother Jadhav Dhuppa died after 6-7 months after giving birth to one son Tarachand (i.e. grandfather of appellant) – therefore, Jadhav Mangitya took up responsibility of looking after Tarachand (i.e. grandfather of appellant) – hence, there was no record on the name of Jadhav Dhuppa (i.e. great grandfather of appellant). However, appellant and her forefathers have been living in Wadoni village from 1940.

5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

7. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted the documents as submitted along with Appeal Petition.

8. The above documentary evidences, it is found that the appellant Jadhav Pooja D/o Jadhav Vasanth Rao R/o Wadoni village (Post: Naddamguda), of Utnoor Mandal in Adilabad District and her grandparents have been continuously living in Wadoni, an agency village in Utnoor Mandal of Adilabad District since 26.1.1950.

9. Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020

(Contd....8)

::8::

and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant Jadhav Pooja D/o Vasanthrao R/o Wadoni village of Utnoor mandal and her fore-fathers have been continuously residing in Wadoni, an agency village in Utnoor Mandal of Adilabad District from before 26.1.1950 and hence, she is a local ST of Wadoni, agency village and her local ST certificate bearing No.E/1854/2015, dated 24.11.2015 which was issued after due enquiry by the Mandal revenue authorities, is valid in terms of GO Ms.No.24, TW (LTR.1) Department, dt.12.6.2018.

10. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs.No.C3/2596/2019-29, dt.31.01.2020 and allow the Appeal Petition filed by Jadhav Pooja D/o Vasanthrao R/o Wadoni Village of Utnoor Mandal of Adilabad District.

11. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Jadhav Pooja D/o Vasanthrao R/o Wadoni village, Post: Naddamguda,
Utnoor Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad
(for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER